

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GABRIEL JOSEPH SUMNER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL SUMNER,

Respondent-Appellant.

UNPUBLISHED

March 19, 2009

No. 288145

Lenawee Circuit Court

Family Division

LC No. 06-000416-NA

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

PER CURIAM.

Respondent father appeals as of right an order that terminated his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g).¹ We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The minor child became a temporary ward after it was discovered that his mother had left him home alone for at least two hours and that the home was filthy and unfit for the child. The parents did not live together. The petition alleged that respondent father was indifferent to the child's living conditions, that he allowed inappropriate individuals to babysit the child, that he had an extensive criminal history, and that he allowed the child to reside in the home of the paternal grandfather, who was a registered sex offender. Respondent father was ordered to comply with a parent-agency agreement following the dispositional review hearing. He was required to provide suitable housing and income, abstain from alcohol and illegal substances, demonstrate appropriate parenting skills, attend all scheduled visits, participate in parenting class, follow the recommendations of a substance abuse evaluation, submit to a psychological evaluation, maintain monthly contact with the worker, cooperate with random drug screening, and complete a domestic violence program. By the time of the termination trial,

¹ The parental rights of the child's mother were also terminated. She is not participating in this appeal.

it was clear that, while respondent father completed much of what was asked of him, he did not appear to benefit from the services.

A psychological evaluation was largely unsuccessful because of respondent father's extreme defensiveness. His deliberate misrepresentation of himself produced two invalid test profiles. The evaluation revealed that respondent father denied responsibility and projected blame onto others. His history did not reflect favorably on either his personal adjustment or his parenting capacity. On appeal, respondent father argues that the results of the evaluation were given too much weight in light of the fact that the evaluation had been performed early on in the case. However, a bonding assessment that was performed just two months before the termination trial also noted that respondent father portrayed himself as a victim of circumstances and tended to lay blame on others for his troubles. While the bonding assessment was favorable in terms of confirming a bond between respondent father and the minor child, the evaluator made clear that respondent father was in no position to care for the child independently. He would require additional, and extensive, services.

In addition to his parenting deficiencies, respondent father also demonstrated a lack of insight regarding his criminal behavior, domestic violence, and substance abuse. He and the child's mother had what was categorized as a "toxic" relationship, and police were called to respondent father's home as late as six months before the termination trial for a domestic incident. This was after the couple had completed couple's counseling and the Family Violence Accountability Program. Respondent father also continued to have trouble with the law and was arrested numerous times during the pendency of the case. As for substance abuse, respondent father admitted that he did not feel he had a problem with drugs or alcohol and only went to AA/NA because he was required to do so. Despite this, respondent father tested positive for cocaine and alcohol during the pendency of this case, indicating that there was an underlying problem. As the trial court stated, respondent father was content to go through the motions without making any real substantive changes.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondent father's parental rights if it was in the child's best interests to do so. MCL 712A.19b(5). The bonding assessment was favorable, and the workers who observed the visits noted that respondent father generally interacted well with the minor child. Still, there were some problems with the visits. Respondent father fell asleep on more than one occasion. He had a difficult time controlling the child as he aged, giving into the child's fits and tantrums. Respondent father simply lacked many of the parental tools he would need in order to parent the child. Although the doctor who performed the bonding assessment believed that respondent father had the potential to adequately parent the child, he was not to that point even after two years of services. The minor child had already spent two of his three years in foster care. He should not have been asked to wait any longer for permanence and stability.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood
/s/ Alton T. Davis